

entities, conducting business on a regular basis in Montgomery County, Maryland.

4. Subject matter jurisdiction exists under CJ §1-501. Personal jurisdiction exists under CJ §6-103. Venue is proper under CJ §§6-201 and -202.

The Conduct

5. On hundreds of occasions during 2002 and 2003, Defendants initiated, conspired to initiate, and assisted in the initiation of commercial electronic mail messages to recipients in Maryland, including Plaintiff. These commercial e-mail messages advertised property, goods or services for sale or lease, and resulted in sales and the delivery of goods and/or services into Maryland. Defendants derived substantial revenue as a result of these e-mail messages to recipients in Maryland. By this conduct, Defendants solicited sales and conducted business in Maryland on a regular basis, engaged in a persistent course of conduct in Maryland, and availed themselves of the protection of the laws of this State.

6. Defendants planned, prepared, designed, executed, approved, modified, condoned and ratified the sending of the electronic mail referenced above and the resulting sales. Defendants paid others for services related to the transmissions, and received payment from advertisers and others for Defendants' services related to the transmissions. Defendants, either directly or indirectly, caused products and services to be sold and/or delivered as a result of the transmissions. Defendants tracked the results of the transmissions and all related services and sales. All of these activities generated records that identify the participants in these activities, and the related times, dates, quantities and payment amounts.

7. All of the conduct alleged above was performed either directly by Defendants or by persons acting as their agents. Defendants participated in all of the events alleged herein, and

aided, abetted, assisted, ratified, condoned and approved each others' actions, and acted as agents for each other. All persons who participated in the events alleged above acted as agents for Defendants.

The Violations

8. Defendants violated §14-3002 of the Commercial Law Article of the Annotated Code of Maryland (the "Statute") by initiating, conspiring to initiate, and assisting in the initiation of the transmission to Plaintiff of commercial electronic mail that had one or more of the following characteristics:

- i) used a third party's Internet domain name or electronic mail address without that third party's permission;
- ii) contained false or misleading information about the origin or the transmission path; or;
- iii) contained false or misleading information in the subject line.

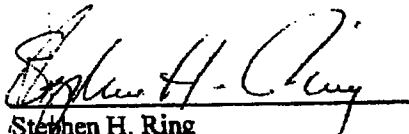
The false or misleading information in the electronic mail messages had the capacity, tendency, or effect of deceiving the recipient.

9. Plaintiff received hundreds of commercial electronic mail messages from Defendants in violation of the Statute. Each such commercial electronic mail message was a distinct and separate violation of the Statute.

10. As a recipient of the commercial electronic mail described above, under §14-3003(1) Plaintiff is entitled to the greater of \$500 per violation of the Statute or actual damages. As an interactive computer service provider, under §14-3003(3) Plaintiff is entitled to the greater of \$1000 per violation of the Statute or actual damages. Plaintiff seeks statutory damages and not actual damages.

Wherefore, Plaintiff seeks judgment against Defendants, jointly and severally, in excess of \$100,000 and pre-judgment interest, attorney's fees, costs and such other and further relief as the Court deems appropriate.


STEPHEN H. RING, P.C., by


Stephen H. Ring
316 East Diamond Avenue, Suite 102
Gaithersburg, Maryland 20877
MD Bar Id. No. 04731764
Telephone: 301-990-4840

Attorney for Plaintiff

Jury Demand

Plaintiff requests a trial by jury.


Stephen H. Ring

Circuit Court for _____

City or County _____

CIVIL-NON-DOMESTIC CASE INFORMATION REPORT**Directions:**

Plaintiff: This Information Report must be completed and attached to the complaint filed with the Clerk of Court unless your case is exempted from the requirement by the Chief Judge of the Court of Appeals pursuant to Rule 2-111(a). A copy must be included for each defendant to be served.

Defendant: You must file an Information Report as required by Rule 2-323(h).

THIS INFORMATION REPORT CANNOT BE ACCEPTED AS AN ANSWER OR RESPONSE

FORM FILED BY: ☐ PLAINTIFF ☐ DEFENDANTCASE NUMBER: 248426
(Check to insert)

CASE NAME: _____

JURY DEMAND:

☐ Yes ☐ No

Anticipated length of trial: _____ hours or _____ days

RELATED CASE PENDING?

☐ Yes ☐ No

If yes, Case #(s), if known: _____

Special Requirements?

☐

Interpreter/communication impairment

Which language _____

(Attach Form I-332 if Accommodation or Interpreter Needed)

Which dialect _____

☐ ADA accommodation: _____**NATURE OF ACTION**

(CHECK ONE BOX)

DAMAGES/RELIEF**TORTS**

- ☐ Motor Tort
☐ Premises Liability
☐ Assault & Battery
☐ Product Liability
☐ Professional Malpractice
☐ Wrongful Death
☐ Business & Commercial
☐ Libel & Slander
☐ False Arrest/Imprisonment
☐ Nuisance
☐ Toxic Torts
☐ Fraud
☐ Malicious Prosecution
☐ Lead Paint
☐ Asbestos
☐ Other _____

LABOR

- ☐ Workers' Comp.
☐ Wrongful Discharge
☐ EEO
☐ Other _____

CONTRACTS

- ☐ Insurance
☐ Confessed Judgment
☐ Other _____

REAL PROPERTY

- ☐ Judicial Sale
☐ Condemnation
☐ Landlord Tenant
☐ Other _____

OTHER

- ☐ Civil Rights
☐ Environmental
☐ ADA
☐ Other _____

A. TORTS**Actual Damages**

- ☐ Under \$7,500
☐ \$7,500 - \$50,000 \$ _____
☐ \$50,000 - \$100,000 \$ _____
☐ Over \$100,000 \$ _____
- ☐ Medical Bills
☐ Property Damages
☐ Wage Loss
☐ \$ _____

B. CONTRACTS

- ☐ Under \$10,000
☐ \$10,000 - \$20,000
☐ Over \$20,000

C. NONMONETARY

- ☐ Declaratory Judgment
☐ Injunction
☐ Other _____

ALTERNATIVE DISPUTE RESOLUTION INFORMATION

Is this case appropriate for referral to an ADR process under Md. Rule 17-101? (Check all that apply)

A. Mediation

☐ Yes ☐ No

C. Settlement Conference

☐ Yes ☐ No

B. Arbitration

☐ Yes ☐ No

D. Neutral Evaluation

☐ Yes ☐ No**TRACK REQUEST**

With the exception of Baltimore County and Baltimore City, please fill in the estimated LENGTH OF TRIAL. THIS CASE WILL THEN BE TRACKED ACCORDINGLY.

- ☐ 1/4 day of trial or less
☐ 1 day of trial time
☐ 2 days of trial time

- ☐ 3 days of trial time
☐ More than 3 days of trial time

PLEASE SEE PAGE TWO OF THIS FORM FOR INSTRUCTIONS PERTAINING TO THE BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM AND ADDITIONAL INSTRUCTIONS IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE COUNTY, BALTIMORE CITY, OR PRINCE GEORGE'S COUNTY.

Date _____

Signature _____



Molly Q. Ruhl
Clerk of the Circuit Court for Montgomery County, Maryland
50 Maryland Avenue
Rockville, Maryland 20850-2397
December 30, 2003

MAR 02 2004

PJM 04 CV 686 1

RE: Notice of New Case Number for
BEYOND SYSTEMS INC vs KEYNETICS INC, ET AL
Reference Case#: N/A
Case Type: VIOLATION & CONTRAVENTION COMMERCIAL LAW

Dear Sir/Madam:

Please be advised that the above referenced case was received on December 29, 2003, in the office of the Clerk for Montgomery County. This matter has been assigned case number 248426-V. Please include this case number on all future papers to be filed in this case.

Sincerely,

Molly Q. Ruhl
Clerk of the Circuit Court
for Montgomery County,
Maryland

KEYNETICS INC
DAVID G KUJAWSKI
915 WEST JEFFERSON ST
BOISE ID 83702